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09/631,238	08/02/2000	Catherine Lin-Hendel		8086

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EXAMINER

GART, MATTHEW S

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 09/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/631,238

Applicant(s)

LIN-HENDEL, CATHERINE

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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## DETAILED ACTION

### *Drawings*

This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required if the application is allowed.

Figures 1A1, 1A2, 1B, 1C1, 1C2, 1D1, 1D2, 1E1, 1E2, 1E3, 1E4, 1E5, 1F, 2A, 2B, and 2C should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application.

Color photographs and color drawings are acceptable only for examination purposes unless a petition filed under 37 CFR 1.84(a)(2) is granted permitting their use as acceptable drawings. In the event that applicant wishes to use the drawings currently on file as acceptable drawings, a petition must be filed for acceptance of the color photographs or color drawings as acceptable drawings. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and an amendment to the first paragraph of the brief description of the drawings section of the specification which states:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings have been satisfied.

***Specification***

The disclosure is objected to because of the following informalities: The brief description of the drawing describes a Fig. 2 and a Fig. 3. These drawings are not present with the application.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Referring to claim 10. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "packet" in page 14, line 14. There is insufficient antecedent basis for this limitation in the claim.

Referring to claims 10, 13, 14, 16, and 19. Claims 10, 13, 14, 16, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10, 13, 14, 16, and 19 recites the limitation "the object." There is insufficient antecedent basis for the limitation in the claim. Independent claim 1 does recite the limitation "the at least one object." Applicant is not consistent throughout the dependent claims when adding limitations relating to "the at least one object."

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 1-14 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kenny U.S. Patent No. 6,026,376.**

Referring to claim 1. Kenny discloses a system equivalent to a system for displaying galleries, showrooms, stores and malls online (at least column 4, line 63 to column 5, line 12), comprising:

- Means for displaying on an on-line display device to a viewer at least one room (at least column 4, line 63 to column 5, line 12) having at least one object therein, wherein the display is comprised of a data pocket (at least column 9, line 7 to column 10, line 9).

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Referring to claims 2-5. Kenny further discloses a system wherein the room is a gallery, showroom, store, or mall (at least column 4, line 63 to column 5, line 12 and claim 1).

Referring to claim 6. Kenny further discloses a system wherein the display includes at least one still photograph of a virtual reality shot (at least column 1, line 38 to column 2, line 21 and column 3, lines 46-61).

Referring to claim 7. Kenny further discloses a system wherein the at least one still photograph is identified by a unique frame address (at least column 8, lines 10-63).

Referring to claims 8-9. Kenny further discloses a system

- Wherein the display includes at least one video film (at least column 1, line 63 to column 2, line 9); and
- Wherein the display includes at least one audio segment (at least column 4, lines 1-19).

Referring to claim 10. Kenny further discloses a system wherein each object in the data packet is assigned a unique identification indexed by the area each object occupies in the still photograph (at least column 8, lines 10-63).

Referring to claim 11. Kenny further discloses a system wherein at least one link is assigned to each object, thereby enabling detailed information regarding the object to be retrieved from an external database for presentation to the viewer (at least Fig. 9 and column 9, line 7 to column 10, line 9).

Referring to claim 12. Kenny further discloses a system wherein selecting a particular object causes a link associated with the object to be selected and stored in a file on a user's computer for viewing by the viewer (at least Fig. 10B: i.e. Make Lists).

Referring to claim 13. Kenny further discloses a system wherein a plurality of objects can be sequentially selected by the viewer (at least Fig. 10B: i.e. Select Products For Purchase and column 11, lines 13-20).

Referring to claim 14. Kenny further discloses a system wherein when the viewer completes selecting the plurality of objects, the links for the selected objects are submitted to a server by clicking a submit button (at least column 10, line 64 to column 11, line 2), thereby retrieving the data addressed by the selected links from an external database for presentation to the viewer (at least column 8, lines 10-63).

Referring to claim 16. Kenny further discloses a system wherein if one object appears in a plurality of frames, the object is cut out from each frame, given a unique identification, and assigned a link to an external data storage device that stores data associated with the object (at least column 8, lines 10-63).

Referring to claim 17. Kenny further discloses a system wherein if the at least one object appears in more than one frame, the object is identified in each frame by the same identifier and assigned the same link (at least column 8, lines 10-63).

Referring to claim 18. Kenny further discloses a system wherein the on-line display of the at least one object includes audio stories (at least column 4, lines 1-19), an enlarged still image (at least column 6, line 56 to column 7, line 24), textual

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descriptions (at least column 6, line 56 to column 7, line 24), buy and bid frames (at least Fig. 3 and Fig. 7), and videos (at least column 1, line 63 to column 2, line 9).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenny U.S. Patent No. 6,026,376, in view of "Hot Picks."**

Referring to claims 15 and 19. Kenny discloses a system according to claim 1 as indicated supra. Kenny further discloses a system wherein the display of the at least one object includes command buttons enabling the viewer to virtually move around the room (at least column 9, line 49 to column 10, line 9). Kenny does not expressly disclose a system wherein the display of the at least one object includes command buttons enabling the viewer to virtually move around the object and wherein the system displays the object in a plurality of different still photographs each taken from equally spaced angles 360° around the object, thereby enabling the viewer to view the object from 360° around the object and enabling the object to appear to rotate on the display device. "Hot Picks" discloses a system wherein the display of the at least one object includes command buttons enabling the viewer to virtually move around the object and wherein the system displays the object in a plurality of different still photographs each taken from equally spaced angles 360° around the object, thereby enabling the viewer



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to view the object from 360° around the object and enabling the object to appear to rotate on the display device (at least paragraph 2). At the time the invention was made, it would be obvious to a person of ordinary skill in the art to modify the system of Kenny to include the limitations of "Hot Picks" as discussed above in order to allow a customer to view the contents of a particular facility in a format that provides the feeling of viewing the items in the particular facility (at least Kenny: column 1, lines 5-35).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barzilai et al., U.S. Patent No. 6,012,045, Jan. 4, 2000; discloses a computer-based electronic bid, auction and sale system.

Kaplan, U.S. Patent No. 5,963,916, Oct. 5, 1999; discloses a network apparatus and method for preview of music products and compilation of market data.

Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

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746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



MSG

August 28, 2002

  
**WYNN W. COGGINS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**